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COUNSEL/PARTIES OF RECORD	
JUL 23 2018	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 LEWIS WILLIAM STEWART,
13 Plaintiff,
14 v.
15 ROMEO ARANAS, et al.,
16 Defendants

ORDER
Case No. 3:17-cv-00132-MMD-VPC
MOTION TO CONTINUE EARLY
MEDIATION CONFERENCE
(FIRST REQUEST)

17 Defendants, Romeo Aranas, James Cox, Francisco Sanchez and Brian Williams, by and through
18 counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Erin L. Albright, Deputy
19 Attorney General, hereby move this honorable Court to continue the early mediation conference in this
20 matter, which is currently scheduled for ~~August 22, 2017~~ ^{July 24, 2018}. This motion is based on the following
21 Memorandum of Points and Authorities and the papers and pleadings on file herein.

22 MEMORANDUM OF POINTS AND AUTHORITIES

23 I. FACTS AND PROCEDURAL HISTORY

24 This case is a *pro se* inmate civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 4 at 1).
25 Plaintiff, Lewis William Stewart (Plaintiff) was an inmate in the lawful custody of the Nevada
26 Department of Corrections (NDOC) at the time the Complaint was filed. *Id.* The Complaint was
27 screened and this Court allowed an Eighth Amendment deliberate indifference to a serious medical need
28 claim to proceed against Defendants Aranas, Clark, Jones, Sanchez, and Su. (ECF No. 3 at 6).

1 Since the filing of the Complaint, Plaintiff was released from NDOC's custody on parole and
2 filed a notice of change of address. (ECF No. 7). Thereafter, this Court ordered the parties to participate
3 in an early mediation conference (EMC) on July 31, 2018. (ECF No. 10).

4 After receipt of the Complaint, defense counsel requested all documents related to this matter
5 from Defendants. Due to Plaintiff's release from NDOC custody, all records pertaining to Plaintiff have
6 been placed in storage. Defendants have requested all records pertaining to this matter from storage.
7 To date, storage has failed to provide Defendants with the requested documentation.

8 On July 23, 2018, defense counsel and Plaintiff discussed this matter. Defense counsel
9 explained to Plaintiff that she could not analyze the case at this time due to the fact that she had not
10 received the necessary documentation from Defendants and inquired whether he would stipulate to a
11 continuance of the EMC. Defense counsel asked Plaintiff for an email address to forward a stipulation
12 to continue the EMC for Plaintiff's signature, but due to Plaintiff's situation he did not have an email
13 address to which a stipulation could be forwarded. It is believed that Plaintiff will be calling the Court
14 Administrator to advise that he is not opposed to continuing the EMC for thirty (30) days.

15 Because defense counsel does not have the necessary documentation to analyze this case and
16 engage in a thoughtful EMC, Defendants respectfully request that this Court continue the EMC set for
17 July 31, 2018, for thirty (30) days.

18 **II. DISCUSSION**

19 Local Rule IA 6-1 allows parties to move this Court for a continuance of the time set for a
20 certain event. The rule states, in pertinent part, as follows:

21 A motion or stipulation to extend time must state the reasons for
22 the extension requested and inform the court of all previous extensions of
23 the subject deadline the court granted. . . . A request made after the
24 expiration of the specific period will not be granted unless the movant or
25 attorney demonstrates that the failure to file the motion before the
26 deadline expired was the result of excusable neglect. Immediately below
27 the title of the motion or stipulation there also must be a statement
28 indicating whether it is the first, second, third, etc., requested extension.

26 LR IA 6-1(a).

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1 This is Defendants' first request for a continuance of the upcoming EMC. Because Plaintiff has
2 been released from NDOC custody all of his records have been placed in storage. Defendants have
3 requested the documents from storage but to this date have not received said documents. Without said
4 documents, Defendants are unable to analyze Plaintiff's claims and engage in a thoughtful mediation.

5 Given the nature of Plaintiff's claims and the damages he claims, Defendants assert that a
6 review of Plaintiff's NDOC file in advance of the EMC would be particularly needful. Without a
7 review of Plaintiff's NDOC file in advance of the EMC, Defendants fear that the conference will be
8 unproductive. Accordingly, Defendants seek a continuance of thirty (30) days, so that the Defendants
9 can review Plaintiff's NDOC file in advance of the EMC and be prepared to engage in thoughtful
10 mediation discussions at the EMC.

11 This request is made in good faith, for the reasons set forth above, and not for the purpose of any
12 unnecessary delay.

13 **III. CONCLUSION**

14 In order to maximize the effectiveness of the EMC, Defendants respectfully request that this
15 honorable Court grant their motion to continue the EMC for thirty (30) days.

16 DATED this 23rd day of July, 2018.

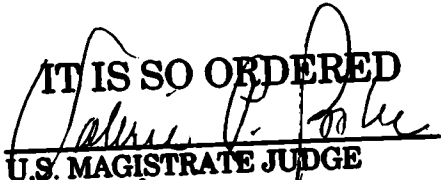
17 ADAM PAUL LAXALT
18 Attorney General

19 By:


ERIN L. ALBRIGHT

20 Deputy Attorney General
21 State of Nevada
22 Bureau of Litigation
23 Public Safety Division

Attorneys for Defendants

24 **IT IS SO ORDERED**
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26 **U.S. MAGISTRATE JUDGE**
27 **DATED: July 23, 2018**
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